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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,312	02/12/2004	Ronda G. Stump	02-150-US	5235
7066	7590	08/12/2004	EXAMINER	
REED SMITH LLP 2500 ONE LIBERTY PLACE 1650 MARKET STREET PHILADELPHIA, PA 19103			HARRIS, CHANDA L	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,312

Applicant(s)

STUMP ET AL.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: The status of the continuing application on the first page of the specification needs to be updated. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "said pseudo-medical equipment" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Neuschatz (US 4,075,782).

1. [Claim 1]: Regarding Claim 1, Neuschatz discloses a doll having an inner an outer surface. See FIG.1. Neuschatz discloses an internal proximity switch (i.e. switching device). See Col.3: 37-45. Neuschatz discloses one or more electrical wires connecting said internal proximity switch to an internal microprocessor (i.e. electrical circuit). See Col.3: 37-45 and FIG.2. Neuschatz discloses whereupon activation of the microprocessor, said doll produces a programmed response (i.e. response to a treatment act). See Col.1: 64-Col.2: 15. An audio speaker would have been an inherent feature of Neuschatz's invention, enabling recordings to be heard. See Col.10: 44-56.
2. [Claims 2, 4]: Regarding Claims 2 and 4, Neuschatz discloses wherein said programmed response is representative of a chronic illness (i.e. cough) and wherein said programmed response is selected from the group consisting of: coughing sounds and audible sound. See Col.10: 44-56.
3. [Claim 5]: Regarding Claim 5, Neuschatz discloses pseudo-medical equipment having an activator (i.e. actuator) which closes said internal proximity switch when brought into proximity with the doll, thereby completing an internal electrical circuit between said internal proximity switch and said internal microprocessor. See Col.3: 46-51.
4. [Claim 6]: Regarding Claim 6, Neuschatz discloses wherein said activator comprises a magnet (i.e. electromagnetic). See Col.3: 46-51.
5. [Claim 7]: Regarding Claim 7, Neuschatz discloses wherein said pseudo-

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medical equipment is selected from the group consisting of a syringe (i.e. toy syringe) and a stethoscope. See Col.10: 26-30 and Col.11: 32-40.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschatz in view of Cramer (US 5,842,870).

[Claims 3,11]: Regarding Claims 3 and 11, Neuschatz does not disclose wherein said chronic illness is selected from the group consisting of: asthma, allergies, cystic fibrosis, and diabetes. However, Cramer teaches a toy for use in learning about diabetes. See Abstract. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein said chronic illness is diabetes into the doll of Neuschatz, in light of the teaching of Cramer, in order to provide an object to attract the affections of a child to facilitate educating them about medical injection sites.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschatz in view of Lo (US 6,089,943).

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[Claim 8]: Regarding Claim 8, Neuschatz does not disclose expressly a book, containing text, wherein the text of said book is programmed into said microprocessor such that upon activation of said microprocessor, said doll produces audible sound corresponding to the text of said book. However, Lo teaches such in the Abstract. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the doll of Neuschatz, in light of the teaching of Lo, in order to provide a toy that speaks to a child telling the child what is on each page of the book.

Claims 9-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschatz.

1. [Claims 9, 13-14]: Regarding Claims 9 and 13-14, Neuschatz discloses a doll having an inner and outer surface. See FIG.1. An audio speaker would have been an inherent feature of Neuschatz's invention, enabling recordings to be heard. See Col.10: 44-56.

Neuschatz does not disclose expressly an internal radio receiver, one or more internal electrical wires connecting said internal radio receiver to an internal microprocessor, such that upon receipt of a radio signal by said internal receiver, said signal is processed by said microprocessor to generate a programmed response; means for emitting radio signals, whereby said radio receiver scans for said signals, receives said signals, and activates said microprocessor to generate a programmed response; and wherein each unique item (e.g. toy

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syringe) of said pseudo-medical equipment emits a unique radio signal such that, upon receipt of said signal by said internal radio receiver, said unique item is individually recognized by said internal radio receiver, said unique item is individually recognized by said internal microprocessor to generate a unique programmed response (e.g. the doll's eye being arranged to close in timed relationship to the administering of an anesthetic and reopen after a predetermined period of time). However, Neuschatz teaches a switch being provided in the microprocessor to respond to a programmed response (i.e. response to a treatment act). See Col.1: 64-Col.2: 5 and Col.11: 32-40.

Applicant has disclosed that other types of recognition systems known to those skilled in the art can be used in place of a passively coupled RF system and cites various options for other types of recognition systems in the specification, p.18, line 13+. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to incorporate an internal radio receiver into the system of Neuschatz because Applicant has not disclosed that an internal radio receiver provides an advantage over the alternative types of recognition systems or solves a stated problem that the alternative types of recognition systems do not solve. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with switches because both perform the same function of generating a programmed response. Therefore, it would have been an obvious matter of design choice to modify Neuschatz to obtain the invention as specified in Claims 9 and 13-14.

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2. [Claims 10, 12]: Regarding Claims 10 and 12, Neuschatz discloses wherein said programmed response is representative of a chronic illness (i.e. cough) and wherein said programmed response is selected from the group consisting of: coughing sounds and audible sound. See Col.10: 44-56.
3. [Claim 15]: Regarding Claim 15, Neuschatz discloses wherein said pseudo-medical equipment is selected from the group consisting of a syringe (i.e. toy syringe) and a stethoscope. See Col.10: 26-30 and Col.11: 32-40.
4. [Claim 16]: Regarding Claim 16, Neuschatz discloses wherein said doll further comprises an internal proximity switch which correlates to an activator (e.g. needle) located within said item of pseudo-medical equipment (e.g. toy syringe), such that bringing said activator into proximity with said internal proximity switch closes said internal proximity switch, thereby completing an internal electrical circuit between said internal proximity switch and said internal microprocessor. See Col.11: 32-40.

Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschatz in view of Barnett (US 2,959,891) and Friedel (US 5,094,621).

1. [Claim 17]: Regarding Claim 17, Neuschatz discloses a doll having an inner an outer surface. See FIG.1. Neuschatz discloses an internal proximity switch (i.e. switching device). See Col.3: 37-45. Neuschatz discloses one or more electrical wires connecting said internal proximity switch to an internal microprocessor (i.e. electrical circuit). See Col.3: 37-45 and FIG.2. Neuschatz discloses whereupon activation of the microprocessor, said doll produces a

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programmed response (i.e. response to a treatment act). See Col.1: 64-Col.2:

15. An audio speaker would have been an inherent feature of Neuschatz's invention, enabling recordings to be heard. See Col.10: 44-56.

Neuschatz does not disclose expressly a knapsack for storing and carrying said doll and said pseudo-medical equipment. However, Barnett teaches the concept of storing and carrying a doll and pseudo-medical equipment in a storage mechanism in FIG.1. Friedel teaches the concept of using a knapsack to store items, including a miniature doll. See FIG.1 and Col.3: 6-11. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the Neuschatz's invention, in light of the teachings of Barnett and Friedal, in order to provide a place for the doll and pseudo-medical equipment when not in use and to provide an article for carrying a plurality of items.

2. [Claim 18]: Regarding Claim 18, Neuschatz discloses pseudo-medical equipment having an activator (i.e. actuator) which closes said internal proximity switch when brought into proximity with the doll, thereby completing an internal electrical circuit between said internal proximity switch and said internal microprocessor. See Col.3: 46-51.

3. [Claim 19]: Regarding Claim 19, Neuschatz discloses wherein said pseudo-medical equipment is selected from the group consisting of a syringe (i.e. toy syringe) and a stethoscope. See Col.10: 26-30 and Col.11: 32-40.

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschatz/Barnett/Friedel as applied to claim 17 above, and further in view of Lo.

[Claim 20]: Regarding Claim 20, Neuschatz/Barnett/Friedel does not disclose expressly a book, wherein the text of said book is programmed into said microprocessor such that upon activation of said microprocessor, said doll produces audible sound corresponding to the text of said book. However, Lo teaches such in the Abstract. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the doll of Neuschatz/Barnett/Friedel, in light of the teaching of Lo, in order to provide a toy that speaks to a child telling the child what is on each page of the book.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Pracas (US 5,820,441)
 - sounds such as crying, sucking, or a heart beat
- Pettit (US 2,715,296)
 - toy stethoscope
- Jani (US 5,655,945)
 - talking device
- Snyder et al. (US 6,361,396)

-rf identification system for use in toys

- Tsui (US 4,282,678)

-stethoscope

- Ayala (US 2,886,316)

-hypodermic or medical syringe

- Mavrikis (US 5,232,369)

-handicapped doll

- Coomansingh (US 6,159,017)

-pre-programmed messages

- Aponte (US 5,314,339)

-hypodermic syringe

- Weber et al. (US 5,411,437)

-medical training aid

- Laura (US 2003/0031995)

-prerecorded audio narratives

- Jackson (US 2,954,642)

-heartbeat mechanism

- Ferre et al. (EP 0 528 092)

-sneezing doll

- Radosevich et al. (US 5,713,778)

-doll with simulated bowel movement

- Klein (US 4,307,539)

-pseudo-medical kit

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- Gordebeke (GB 2 099 315)
-toy medical monitoring unit
- Bills et al. (US 2,781,611)
-doll with symptoms of sickness
- Metzger (US 4,530,349)
-treating cystic fibrosis
- Goodwin (US 5,795,213)
-reading toy
- Tabachnik (US 6,330,427)
-talking novelty device with book
- Kikinis (US 5,746,602)
-pc peripheral interactive doll
- Friedal (US 5,197,885)
-doll with knapsack
- Friedel (US 5,324,201)
-doll with knapsack

Conclusion

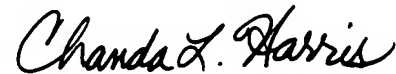
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax

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phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Chanda L. Harris
Examiner
Art Unit 3714

ch.
August 8, 2004